

BEFORE THE BOARD OF OPTOMETRY  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ARM	)	NOTICE OF AMENDMENT,
24.168.301 definitions, 24.168.401,	)	ADOPTION, AND REPEAL
24.168.402, 24.168.408, and 24.168.411	)	
general provisions, 24.168.711 diagnostic	)	
permissible drugs, 24.168.901, 24.168.911	)	
therapeutic pharmaceutical agents,	)	
24.168.2101 and 24.168.2104, continuing	)	
education, 24.168.2307 screening panel,	)	
the adoption of NEW RULE I fee abatement,	)	
and the repeal of 24.168.405 examinations,	)	
24.168.701 approved courses and	)	
examinations, 24.168.704 new licensees,	)	
24.168.904 applicants for licensure,	)	
24.168.907 therapeutic pharmaceutical	)	
agents, and 24.168.2304 complaint procedure	)	

TO: All Concerned Persons

1. On October 26, 2006, the Board of Optometry (board) published MAR Notice No. 24-168-37 regarding the proposed amendment, adoption, and repeal of the above-stated rules, at page 2450 of the 2006 Montana Administrative Register, issue no. 20.

2. On November 20, 2006, a public hearing was held on the proposed amendment, adoption, and repeal of the above-stated rules in Helena. One commenter submitted comments by the November 28, 2006, deadline.

3. The board has thoroughly considered the comments and testimony received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: One commenter stated that "ophthomological" is misspelled in the title of ARM 24.168.711 and should instead be "ophthalmological".

RESPONSE 1: The board appreciates the comment and is amending the rule catchphrase accordingly.

COMMENT 2: One commenter stated that the term "ocular" is misspelled in the title of ARM 24.168.911 and should instead be "ocular".

RESPONSE 2: The board appreciates the comment and is amending the rule catchphrase accordingly.

COMMENT 3: One commenter suggested that "not less than" be stricken as redundant from ARM 24.168.2101(1).

RESPONSE 3: The board agrees that the language is redundant and unnecessary and is amending the rule accordingly.

4. The board has amended ARM 24.168.301, 24.168.401, 24.168.402, 24.168.408, 24.168.411, 24.168.901, 24.168.2104, and 24.168.2307 exactly as proposed.

5. The board has adopted NEW RULE I (24.168.403) exactly as proposed.

6. The board has repealed ARM 24.168.405, 24.168.701, 24.168.704, 24.168.904, 24.168.907, and 24.168.2304 exactly as proposed.

7. The board has amended ARM 24.168.711, 24.168.911, and 24.168.2101 with the following changes, stricken matter interlined, new matter underlined:

24.168.711 ~~OPHTHOMOLOGICAL~~ OPHTHALMOLOGICAL DIAGNOSTIC PERMISSIBLE DRUGS

(1) through (1)(d) remain as proposed.

24.168.911 ~~OCCULAR~~ OCULAR THERAPEUTIC APPROVED DRUGS

(1) through (1)(h) remain as proposed.

24.168.2101 CONTINUING EDUCATION REQUIREMENTS (1) Each licensed optometrist shall obtain a minimum of ~~not less than~~ 36 hours of continuing education every two years in scientific clinics, forums, or optometric educational studies approved by the board. The board will accept:

(a) through (4) remain as proposed.

BOARD OF OPTOMETRY  
DOUGLAS MCBRIDE, O.D., PRESIDENT

/s/ DARCEE L. MOE  
Darcee L. Moe  
Alternate Rule Reviewer

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State February 26, 2007